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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,840	10/30/2003	Rainer Weisbrodt	WSP219US	9134

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Simpson & Simpson PLLC
5555 Main Street
Williamsville, NY 14221

EXAMINER

PICKARD, ALISON K

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,840

Applicant(s)

WEISBRODT ET AL.

Examiner

Alison K. Pickard

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,7-9,11-15,17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-5,7-9,11-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 17,19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-5, 7-9, 11-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheesley in view of Hobson.

Sheesley discloses a flat sealing ring having an elastically deformable base ring and a stiffening ring at an inner or outer edge of the base ring. The base ring (see any of Figs. 7-15) comprises a core of elastically deformable material. The cross-section of the core has a center portion and at least one wing. As seen in the figures, the bead (e.g. 24c) and adjacent valleys can comprise the center. A wing (see portion that line 21f points to) extends directly from the center portion and has first and second planar surfaces parallel to the ring plane. The surfaces lie in respective planes. The center section is between the planes and extends beyond them as well. The stiffening ring can be element 22c or plate 30 (e.g. 30i), either of which limits compression. The height of the stiffening ring is less than the greatest height (i.e. bead height) of the base ring. Sheesley does not disclose a protective layer over the base ring. Hobson teaches the use of a protective layer of PTFE over a deformable base ring of a sealing ring to provide chemical and thermal resistance. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the ring of Sheesley with the protective layer of Hobson to provide chemical and thermal resistance.

Regarding claims 4, 8, and 12, Sheesley does not disclose the stiffening ring is stainless steel. The selection of a known material based on its suitability for its intended use is not considered inventive. See *In re Leshin*, 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to make the ring of stainless steel.

3. Claims 2-5, 7-9, 11-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyers (3,195,906) in view of Hobson.

Moyers discloses a sealing ring having an elastically deformable base ring 25 and a stiffening ring 24 at an outer edge. The base ring has a core of elastically deformable material having a cross-section of a center portion and wings. The center portion can be any of 38/40/41, 38a, or 38a/50/38b. The wings extend directly from the center portion and have first and second planar surfaces. The height of the stiffening ring is less than the greatest height of the base ring. Moyers does not disclose a protective layer over the base ring. Hobson teaches the use of a protective layer of PTFE over a deformable base ring of a sealing ring to provide chemical and thermal resistance. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the ring of Moyers with the protective layer of Hobson to provide chemical and thermal resistance.

Regarding claims 4, 8, and 12, Moyers does not disclose the stiffening ring is stainless steel. The selection of a known material based on its suitability for its intended use is not considered inventive. See *In re Leshin*, 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to make the ring of stainless steel.

Allowable Subject Matter

4. Claims 17, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Both Moyers and Sheesley disclose first and second wings on respective sides of the center section. The wings have top and bottom surfaces which lie in the second and third planes. And, the core (for example, 38/39 of Moyers) lies between the planes and beyond them because the beads 38/39 forming the core project past the planar surfaces of the “wings”.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3673

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 571-272-7062.

The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alison K. Pickard
Primary Examiner
Art Unit 3673

AP